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July 27, 2022

BY E-MAIL & ECF

The Honorable John P. Cronan
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 1320
New York, NY 10007

Plaintiff's request to withdraw its motion for sanctions against Defendant, *see* Dkts. 188-190, without prejudice is granted. The Clerk of Court is respectfully directed to close the motion pending at Docket Number 188.

SO ORDERED.

Date: July 28, 2022
New York, New York

A handwritten signature in black ink, appearing to read "John P. Cronan".

JOHN P. CRONAN
United States District Judge

Re: *Better Holdco, Inc. v. Beeline Loans, Inc.*, No. 1:20-cv-08686 (JPC) (SN)

Dear Judge Cronan:

This firm represents plaintiff Better Holdco, Inc. ("Better") in the above-captioned case. We write to withdraw Better's pending Motion for Sanctions against defendant Beeline Loans, Inc. ("Beeline") for its spoliation of certain metadata for certain documents produced in this case (the "Motion," Dkt. Nos. 188-190).

As detailed in the Motion, since the outset of the case, Better has sought the metadata that are the subject of the Motion. On numerous occasions prior to filing the Motion, Better made clear to Beeline that such metadata should be produced, had not been produced, and appeared to have been spoliated. It thus is unfortunate that it took a sanctions motion for Beeline to produce some of the missing metadata and provide an explanation for the unavailability of the rest and that it only did so eight months after the close of fact discovery, and a week before Better's opposition to Beeline's summary judgment motion was due.

Recognizing, however, that the specific issues raised in the Motion have been rendered moot, Better respectfully withdraws the Motion so that there is no need for the Court to decide it. Better does so without prejudice, and reserves all rights and remedies, including as set forth in my letter to the Court dated June 23, 2022 (Dkt. No. 226).

We are available at the Court's convenience to discuss these matters.

Respectfully submitted,

s/ Anne E. Beaumont

Anne E. Beaumont

cc: All Counsel of Record (by ECF)